

[CLICK HERE FOR BOARD MOTION](#)

[CLICK HERE FOR MEMO](#)

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

MAY 27, 2003

Browning-Ferris Industries, Inc., currently owns property in an area known as Elsmere Canyon, which is located in the unincorporated area of the County of Los Angeles on the southeastern border of the City of Santa Clarita. Elsmere Canyon is one of the true jewels of the County – an environmentally sensitive area, home of 12 natural waterfalls, 20 federally endangered species, more than 8,000 trees, and other significant natural and archeological resources. It is a precious resource to be preserved for future generations.

BFI is in the process of finalizing an agreement, subject to the resolution of third-party claims, to donate approximately 400 acres of its Elsmere Canyon property to the County of Los Angeles for use as open space. This site was originally identified as a future landfill site in the Los Angeles County Countywide Siting Element.

This planning document was prepared by the County Department of Public Works pursuant to State law which requires the County to identify 15 years of disposal capacity to address the solid waste disposal needs of the County unincorporated communities and the 88 cities in the County of Los Angeles. The Siting Element was approved by a majority of the cities in the County containing a majority of the cities' population, by this Board in January 1998, and the State Waste Board in June 1998.

Upon execution of the agreement donating the property for open space, the site will need to be removed from the Siting Element's list of future landfill sites.

I, THEREFORE, MOVE that the Board of Supervisors Instruct the Director of Public Works to investigate the process for removing the Elsmere Canyon site from the Siting Element and to report back to the Board within 30 days with his findings.

#

MDA:bho
elsmerecanyon

MOTION

MOLINA _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

BURKE _____



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **EP-2**
A632

June 24, 2003

TO: Each Supervisor

FROM: James A. Noyes
Director of Public Works

BOARD MOTION OF MAY 27, 2003, SYNOPSIS 40-C PROCESS OF REMOVING THE ELSMERE CANYON SITE FROM THE LOS ANGELES COUNTY COUNTYWIDE SITING ELEMENT

On May 27, 2003, your Board instructed Public Works to investigate the process for removing the Elsmere Canyon site from the Los Angeles County Countywide Siting Element's list of future landfill sites and to report back to the Board within 30 days with our findings.

To remove the Elsmere Canyon site from the Siting Element, Public Works would need to prepare an amendment to the Siting Element. This is a complex process because State law and regulations specifically prescribe the steps both for amending the Siting Element and for preparing its associated environmental document. As a part of the process, the amendment must be approved by a majority of the cities in the County containing a majority of the cities' population, your Board, and the California Integrated Waste Management Board.

We estimate that it would take approximately two years to complete the Siting Element amendment process assuming it gets approved by the cities and the Waste Board on the first attempt. This two-year estimate does not account for potential delays associated with other requirements of State law as discussed below. The total cost to amend the Siting Element as stated here is estimated to be at least \$250,000. Attached is the listing of the steps required for this process pursuant to the requirements of State law and regulations.

Due to the recent changes in the State law, an amendment to the Siting Element must comply with new environmental justice requirements (Senate Bill 1542-Escutia, Chapter 1003 of 2002 State statutes). However, since this legislation was made

Each Supervisor
June 24, 2003
Page 2

effective January 1, 2003, the Waste Board has not yet developed regulations or guidelines for jurisdictions to use in complying with this law. Therefore, the completion of this task may be delayed as a result.

Should your Board direct Public Works to remove the Elsmere Canyon site from the list of potential new landfills, we recommend that the process of amending the Siting Element be done in coordination with the five-year review of the County Integrated Waste Management Plan. Pursuant to State law and regulations, the County must conduct a review of the Plan and its Siting Element prior to the fifth anniversary of the Waste Board's approval of the Plan (June 23, 2004). This five-year review process requires review of the Plan by the Los Angeles County Integrated Waste Management Task Force and approval by the Waste Board. Any needed revisions to the Siting Element which are identified by those bodies during the five-year review can be processed simultaneously with the removal of Elsmere Canyon from the Element. This will ensure an efficient utilization of County resources and avoid duplication of efforts.

Should you have any questions, please contact me directly or your staff may contact Don Wolfe, Assistant Director, at (626) 458-4014, or Shari Afshari, Assistant Deputy Director, at (626) 458-3500.

AH:my
P:\sec\A632

Attach.

cc: Chief Administrative Office
Executive Office

LOS ANGELES COUNTY COUNTYWIDE SITING ELEMENT AMENDMENT PROCESS

1. PREPARATION AND DISTRIBUTION OF INITIAL STUDY AND NOTICE OF PREPARATION OF AN ENVIRONMENTAL DOCUMENT FOR THE SITING ELEMENT AMENDMENT

- (a) Prepare Initial Study and Notice of Preparation of an environmental document for the proposed amendment to the Countywide Siting Element.
- (b) Distribute the IS and NOP to all cities in the County of Los Angeles, adjacent counties, all applicable State agencies (including State Clearinghouse), local associations of governments, and other applicable governmental agencies for a 30-day review and comment period.

2. PREPARATION OF PRELIMINARY DRAFT AMENDMENT TO THE ELEMENT AND ENVIRONMENTAL DOCUMENTS

- (a) Prepare a preliminary draft of the amendment to the Siting Element and appropriate environmental documents after considering the comments received during the IS and NOP review and comment period.
- (b) In preparing the preliminary draft amendment and environmental document, incorporate all necessary revisions to comply with the environmental justice and other requirements of State law (Senate Bill 1542–Escutia, Chapter 1003, 2002 State Statutes). Completion of this task may be delayed due to lack of implementing regulations or guidelines which need to be developed by the California Integrated Waste Management Board.
- (c) Submit the preliminary draft amendment and its draft environmental document to the Los Angeles County Integrated Waste Management Task Force for review and comment and make any necessary revisions to the documents on the Task Force’s comments.
- (d) Discuss preliminary draft amendment to the Siting Element with Board offices for (informal) authorization to release the amendment and its environmental document for an official, 45-day review and comment period.

3. CIRCULATION OF PRELIMINARY DRAFT AMENDMENT AND ENVIRONMENTAL DOCUMENTS FOR REVIEW AND COMMENT

- (a) Circulate the preliminary draft amendment and draft environmental documents to all cities in the County of Los Angeles, adjacent counties, all

LOS ANGELES COUNTY COUNTYWIDE SITING ELEMENT AMENDMENT PROCESS

applicable State agencies, local associations of governments, other applicable governmental agencies, the public, and other interested parties for a 45-day public review period.

- (b) Distribute copies of the preliminary draft amendment and draft environmental documents to all city and County libraries as well as all district offices of the Department of Public Works.
- (c) Conduct public information meetings at various locations throughout the County to inform the public about the proposed amendment and the draft environmental document and receive public comment on the documents.
- (d) Prior to conducting the public information meetings, advertise the schedule of meetings in newspapers of general circulation.

4. PREPARATION OF FINAL DRAFT AMENDMENT AND ENVIRONMENTAL DOCUMENTS

- (a) Upon expiration of the public review period and based on the comments received from cities in the County of Los Angeles, adjacent counties, all applicable State agencies, local associations of governments, other applicable governmental agencies, the public, and other interested parties, prepare written responses to each comment received on the preliminary draft amendment and prepare a final draft of the amendment to the Siting Element.
- (b) Submit the final drafts of the amendment and its environmental document to the County Board of Supervisors for approval/certification.
- (c) As provided by State law, the Board of Supervisors must set a date for a public hearing to consider the final environmental document and advertise the public hearing in a newspaper of general circulation.
- (d) After conducting the public hearing, the Board has to (i) certify the final environmental document; (ii) address requirements of SB 1542, Environmental Justice (regulations unknown at this time); and (iii) instruct the Director of Public Works to submit the final draft amendment to the Siting Element to the cities in the County of Los Angeles for the State-mandated, 90-day approval period.

LOS ANGELES COUNTY COUNTYWIDE SITING ELEMENT AMENDMENT PROCESS

5. CITY AND COUNTY APPROVAL

- (a) Forward the final draft of the amendment and its certified environmental document to the 88 cities in the County of Los Angeles for a State-mandated 90-day approval period.
- (b) Include in the submittal package to the cities, a sample resolution for their use in approving the amendment to the Siting Element and also make available to the cities the County's draft Findings of Fact regarding the environmental document.
- (c) As stipulated in State regulations, each city must conduct a public hearing for the purpose of adopting the Siting Element or amendment thereto. At least 30 days prior to the public hearing, each city must publish a notice of public hearing. Any formal action by the cities must be made by resolution adopted by the city's governing body and must consider the environmental justice requirements of State law. Also, as required by the California Environmental Quality Act, a city formally adopting the amendment to the Siting Element must first adopt Findings of Fact regarding the environmental document. As provided by State law, failure by a city to take action on the amendment to the Siting Element within the 90-day approval period is considered tacit approval. As a part of the approval process, cities must also substantiate compliance with SB 1542, Environmental Justice (regulations unknown at this time).
- (d) If the final draft amendment to the Siting Element is not approved by the cities within the County of Los Angeles, then revise the deficient areas and recirculate them for local approval.
- (e) Upon approval of the amended Siting Element by a majority of cities containing the majority of the County incorporated population, submit the final draft of the amendment to the Siting Element to the County Board of Supervisors for approval.
- (f) As provided by State law, the Board must set a date for a public hearing on the amendment to the Siting Element and advertise the public hearing in a newspaper of general circulation at least 30 days prior to the hearing.
- (g) At the conclusion of the public hearing, the Board is to approve the amendment to the Siting Element and instruct the Director of Public Works to submit the approved amendment to the Siting Element and the certified environmental document to the State Waste Board for approval.

LOS ANGELES COUNTY COUNTYWIDE SITING ELEMENT AMENDMENT PROCESS

6. WASTE BOARD

- (a) Upon approval of the final draft amendment to the Siting Element by the County Board of Supervisors, submit the adopted amendment and the certified environmental document to the State Waste Board for approval.
- (b) After conducting the required public hearing, the Waste Board can approve the amendment to the Siting Element. If the amendment is not approved, modify and resubmit the modified sections in accordance with the steps listed under Sections 3, 4, and 5 (a) above.

AC:my

P:\seclcseprocedrrvsd